

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2003-032982-001 SE

08/15/2003

HONORABLE DAVID M. TALAMANTE

CLERK OF THE COURT
B. Giles
Deputy

FILED: 08/22/2003

STATE OF ARIZONA

ANGELA K ANDREWS

v.

WILLARD JAY SMITHSON (001)

TOBY C SCHMICH

APO-PLEAS-SE
VICTIM SERVICES DIV-CA-SE

PLEA AGREEMENT/CHANGE OF PLEA

State's Attorney:	Angela K. Andrews
Defendant's Attorney:	Toby C. Schmich
Defendant:	Present
Court Reporter:	Helene Paustian

Upon request of the State, with the concurrence of Defense counsel,

IT IS ORDERED amending the Plea Agreement to reflect only Counts 3, 4, 5, 6, 7, and 8 are to be dismissed instead of and in place of Counts 2, 3, 4, 5, 6, 7 and 8.

The Court being in possession of the Plea Agreement makes said change all in accordance with the foregoing.

The Court reviews the Plea Agreement with Defendant. The Court advises Defendant of the range of possible sentence and the availability of probation, and any special conditions of sentencing and probation. The Court advises Defendant of all pertinent constitutional rights and rights of review.

Defendant enters a plea of Guilty to the following:

OFFENSE: Count 1 (Amended): Child Molest
Class 2 designated felony and Dangerous Crime Against Children

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A.R.S. § 13-1401, 1410, 3821, 31-281, 13-604.01, 701, 702 and 801

Date of Offense: On or between 03/17/2003 and 03/18/2003

Non Dangerous - Non Repetitive

OFFENSE: Count 2 (Amended): Sex Conduct With A Minor

Class 3 designated felony and Dangerous Crime Against Children

A.R.S. § 13-1001, 1401, 1405, 3821, 31-281, 13-604.01, 701, 702 and 801

Date of Offense: On or between 03/17/2003 and 03/18/2003

Non Dangerous - Non Repetitive

IT IS ORDERED accepting the plea.

The Defendant having waived the applicable time limits,

IT IS ORDERED setting time for Presentence Hearing/Sentencing on **10/03/2003 at 1:00 p.m.** before Judge Talamante.

IT IS FURTHER ORDERED waiving the applicable time limits.

IT IS FURTHER ORDERED that the following will be deemed submitted at the time of sentencing: Motion To Dismiss Counts 3, 4, 5, 6, 7 and 8 as reflected in the Plea Agreement.

IT IS ORDERED the Adult Probation Department shall prepare a Presentence Report, and that Defendant shall report to the Adult Probation Department if not in custody.

IT IS ORDERED vacating Oral Argument Regarding 404(c) Hearing set this date. Trial Management Conference set on 09/12/2003 and Firm Trial set on 09/16/2003.

IT IS ORDERED pursuant to Rule 7.2 Defendant shall not be released on bail or own recognizance.